

SCOTT LAW FIRM

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 PATRICIA DESANTIS, individually and as
Successor in Interest for RICHARD
12 DESANTIS, deceased, and as Guardian Ad
Litem for DANI DESANTIS, a minor and
13 TIMOTHY FARRELL, a minor,

14 Plaintiffs,

15 v.

16 CITY OF SANTA ROSA, *et al.*,

17 Defendants.

Case No.: C 07 3386 JSW

**DECLARATION OF JOHN HOUSTON
SCOTT IN SUPPORT OF PLAINTIFFS'
REPLY TO DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY
ADJUDICATION AND OPPOSITION TO
DEFENDANTS' CROSS MOTION FOR
SUMMARY JUDGMENT**

Date: October 17, 2008

Time: 9:00 a.m.

Place: Courtroom 2, 17th floor

Judge: Jeffrey S. White

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22 I, John Houston Scott, declare that:

23 1. I am an attorney at the Scott Law Firm. I am licensed to practice law in the State
24 of California and admitted to all district courts in California. I am familiar with the facts and
25 issues in this action and I have personal knowledge of the matters stated herein and if called as a
26 witness I could and would competently testify to said facts and each of them. I submit this
27 declaration in support of the plaintiffs' reply and opposition to defendants' motion for summary
28 judgment.

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2. Attached hereto as **Exhibit A** is a true and correct copy of Rebuttal Report and Declaration y of Defendants' Police Practices Experts Federal Rule of Civil Procedure 26(a)(2)(B) Reports by Plaintiff's Police Practices Expert Ron Martinelli, Ph.D.

3. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the Deposition of Sergeant Richard Celli, referred as "Celli Depo."

4. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the deposition of Sergeant Jerry Soares, referred as "Soares Depo."

5. Attached hereto as **Exhibit D** is a true and correct copy of excerpts from the deposition of Officer Patricia Mann, referred as "Mann Depo."

6. Attached hereto as **Exhibit E** is a true and correct copy of excerpts from the deposition of Officer Travis Menke, referred as "Menke Depo."

7. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the deposition of Officer Jerry Ellsworth, referred as "Ellsworth Depo."

8. Attached hereto as **Exhibit G** is a true and correct copy of excerpts from the deposition of Chief Ed Flint, referred as "Flint Depo."

9. Attached hereto as **Exhibit H** is a true and correct copy of excerpts from the deposition of PMK of Santa Rosa Police Department, Sergeant Clay Van Artsdalen, referred as "Artsdalen Depo."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 19, 2008 at San Francisco, California.

/s/ John Houston Scott
JOHN HOUSTON SCOTT

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